

Order

Michigan Supreme Court
Lansing, Michigan

June 29, 2011

Robert P. Young, Jr.,
Chief Justice

141965

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

OAKLAND COUNTY,
Plaintiff-Appellee,

v

SC: 141965
COA: 288812
Court of Claims: 08-000051-MZ

DEPARTMENT OF HUMAN SERVICES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 14, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Court of Claims for entry of an order granting summary disposition to the defendant. The Court of Appeals correctly held that the Court of Claims erred in holding that jurisdiction is vested in the Court of Claims because plaintiff's claim involves a request for money damages from the state. As this Court held in *Parkwood Limited Dividend Housing Ass'n v State Housing Development Authority*, 468 Mich 763 (2003), pursuant to MCL 600.6419, the Court of Claims has jurisdiction over tort and contract-based claims against the state, regardless of whether the claims are for money damages or declaratory relief. However, the Court of Appeals erred in holding that jurisdiction is nonetheless vested in the Court of Claims because plaintiff's claim is a contract-based claim. Instead, because plaintiff's claim is a statutory and administrative rule-based claim, grounded respectively in MCL 803.305(1) and 1999 AC, R 400.341, jurisdiction is not properly vested in the Court of Claims.

MARILYN KELLY and HATHAWAY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 29, 2011

Corbin R. Davis

Clerk